

REMARKS/ARGUMENTS

This Amendment is in response to the Final Office Action dated January 16, 2004.

Claims 1-14 are pending in the present application. Claims 1-14 have been rejected.

Accordingly, claims 1-14 remain pending. For the reasons set forth more fully below, Applicants respectfully submit that the claims as presented are allowable. Consequently, reconsideration, allowance, and passage to issue are respectfully requested.

In the event, however, that the Examiner is not persuaded by Applicants' arguments, Applicants respectfully request that the Examiner enter the arguments to clarify issues upon appeal.

Claim Rejections - 35 U.S.C. §103

The Examiner has stated:

Response to Arguments

Applicant's arguments filed 10/31/03 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1, 5, 8 and 11 have been considered but are moot in view of the new ground(s) of rejection.

In view of the Applicant's remarks, it is agreed that Varney does not teach or suggest the added limitation, "wherein the telephone provides a three-way call between the calling party, the called party, and the voice mailbox, wherein the telephone bridges the call between the calling party and the voice mailbox" as disclosed in claims 1, 5, 8 and 11. Thus a new ground of rejection of Varney in view of Cannon is applied below. ...

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Varney (U.S. Patent No. 6,310,939) and in view of Cannon et al. (U.S. Patent No. 6,529,587).

Regarding claim 1, Varney teaches a switching system for receiving a call from a calling party (fig. 1; col. 2, lines 22-25).

Varney further teaches that a voice mail system (VMS) coupled to the switching system for receiving the call if a called party does not answer the call (fig. 1; col. 2, lines 22-25; 'voice mail system (VMS)' reads on the claim 'voice mailbox').

Varney further teaches that a telephone station for the called party for receiving the call from the calling party, and wherein the telephone station for the called party enabling screening the calling party when the calling party is coupled to the VMS (fig. 1; col. 2, lines 56-67, col. 3, lines 1, 2, 33-41; 'telephone station for

the called party' reads on the claim 'telephone' and 'VMS' reads on the claim 'voice mailbox').

However, Varney fails to teach, "the telephone provides a three-way call between the calling party, the called party, and the voice mailbox, wherein the telephone bridges the call between the calling party and the voice mailbox". Cannon teaches that the telephone provides a three-way call between the calling party, the Subscriber (i.e. calling party), and the voice mailbox, wherein the telephone connects (i.e. bridges) the call between the calling party and the voice mailbox (fig. 2, col. 5, lines 1-20). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Varney to allow the telephone providing a three-way call between the calling party, the called party, and the voice mailbox, wherein the telephone bridges the call between the calling party and the voice mailbox as taught by Cannon. The motivation for the modification is to have doing so in order to provide the called party to listen the calling party.

Applicants respectfully disagree with the Examiner's rejections. For the Examiner's convenience, previously amended independent claims 1, 5, 8, and 11 are reproduced in their entirety herein below.

Claims 1, 5, 8, and 11

1. (previously amended) A telephone system comprising:
a switching system for receiving a call from a calling party;
a voice mailbox coupled to the switching system for receiving the call if a called party does not answer the call; and
a telephone for receiving the call from the calling party, wherein the telephone provides a three-way call between the calling party, the called party, and the voice mailbox, wherein the telephone bridges the call between the calling party and the voice mailbox, and wherein the telephone is capable of screening the calling party when the calling party is coupled to the voice mailbox.

5. (previously amended) A method for voice mail screening comprising the steps of:
 - (a) receiving a call from a calling party by a voice mailbox; and
 - (b) joining the called party, the calling party, and the voice mailbox, wherein the telephone provides a three-way call between the calling party, the called party, and the voice mailbox, wherein the telephone bridges the call between the calling party and the voice mailbox, and wherein the called party can screen a message from the calling party.

8. (previously amended) A computer readable medium containing program instructions for voice mail screening, the program instructions for:
 - (a) receiving a call from a calling party by a voice mailbox; and
 - (b) joining the called party, the calling party, and the voice mailbox,wherein the telephone provides a three-way call between the calling party, the called party, and the voice mailbox, wherein the telephone bridges the call between the calling party and the voice mailbox, and wherein the called party can screen a message from the calling party.
11. (previously amended) A telephone comprising:
 - a receiver for receiving a call from a calling party; and
 - a voice mail screening system within the telephone for allowing a called party to hear the calling party when the calling party is coupled to a voice mailbox, wherein the telephone provides a three-way call between the calling party, the called party, and the voice mailbox, and wherein the telephone bridges the call between the calling party and the voice mailbox.

The present invention provides a voice mail screening system that is within a telephone.

In accordance with the present invention, the system comprises a switching system for receiving a call from a calling party and a voice mailbox coupled to the switching system for receiving the call if a called party does not answer the call. The system also comprises a telephone for receiving the call from the calling party. The telephone provides a three-way call between the calling party, the called party, and the voice mailbox, where the telephone bridges the call between the calling party and the voice mailbox, and where the telephone is capable of screening the calling party when the calling party is coupled to the voice mailbox. The telephone comprises an algorithm therewithin for causing the telephone to set up the three-way call to allow for the voice mail screening. The system in accordance with the present invention is simple, easy to use, and easily implemented in existing telephone switching systems (page 3, line 20, to page 4, line 6, and page 5, line 18, to page 6, line 1). Varney in view of Cannon does not teach or suggest these features, as discussed below.

Varney discloses a screening and monitoring capability for switch based voice messaging systems that allows a called party to hear the caller and the caller's voice as the caller leaves a message and allows the called party to break in to start a normal telephone discussion if the caller warrants such action (Abstract).

Cannon discloses a method for screening an active incoming voice mail message. The incoming message is broadcasted in real time on a speaker upon and concurrent with receipt of the same by the voice mail system. Upon detection and broadcast of an interrupt request provided by the subscriber via the subscriber's telephone set, the calling party is connected with the subscriber, and normal recording of the message by the voice mail system is discontinued (Abstract).

Applicants agree that Varney fails to teach that "the telephone provides a three-way call between the calling party, the called party, and the voice mailbox, wherein the telephone bridges the call between the calling party and the voice mailbox," as recited in independent claims 1, 5, 8, and 11. ✓

Applicants respectfully submit that Cannon also does not teach or suggest a telephone, "wherein **the telephone provides a three-way call** between the calling party, the called party, and the voice mailbox, wherein the telephone bridges the call between the the calling party and the

voice mailbox," as recited in independent claims 1, 5, 8, and 11. Instead, Cannon teaches that a **public branch exchange (PBX) or a central switching office provides the three-way call** (column 1, lines 33-37, and column 2, lines 29-47). According to Cannon, "screening a voice mail message is typically implemented by using a voice mail system provided, for example, through a PBX telephone system or by a telephone service provider such as a local telephone ✓

company or mobile telephone service provider” (column 2, lines 29-35). Furthermore, if the subscriber wants to screen incoming calls, the FLASH hook (connection between the subscriber’s telephone set and the voice mail box)” is identical to the FLASH hook action performed for switching between two calls when using a conventional call waiting service of a service provider” (column 5, lines 1-10). Furthermore, it is the voice mail system that connects the incoming call to the subscriber’s telephone set (column 5, lines 14-18). (Accordingly, the screening capabilities of Cannon are **not** provided by the called party’s telephone but are instead provided **externally** by a **remote** voice mail system.)

✓ (2)

Therefore, Varney in view of Cannon does not teach or suggest the *cooperation of elements* as recited in independent claims 1, 5, 8, and 11, and these claims are allowable over Varney in view of Cannon.

Remaining dependent claims

Dependent claims 2-4, 6-7, 9-10, and 12-14 depend from amended independent claims 1, 5, 8, and 11, respectively. Accordingly, the above-articulated arguments related to claims 1, 5, 8, and 11 apply with equal force to claims 2-4, 6-7, 9-10, and 12-14, which are thus allowable over the cited reference for at least the same reasons as claims 1, 5, 8, and 11.

Conclusion

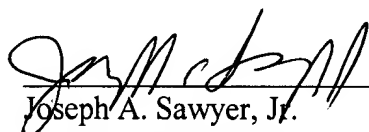
In view of the foregoing, Applicants submit that claims 1-14 are patentable over the cited reference. Applicants, therefore, respectfully request reconsideration and allowance of the claims as now presented.

Applicants' attorney believes that this application is in condition for allowance. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted, /

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Date



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